

MONTANA LEGISLATIVE HISTORY

Chapter 52 19 73

Bill H 95 S _____ Original bill & history C

H. Committee on Business & Industry

Hearing Date(s) Jan 12 ✓ C

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Date Out Jan 12 ✓ C

S. Committee on Business & Industry

Hearing Date(s) Jan 11 ✓ C

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Jan 11 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

BUSINESS AND INDUSTRY COMMITTEE

January 17, 1973

The Business and Industry meeting was called to order this date in the Governor's reception room at 10:30 a.m. with Chairman Mehrens presiding. All members were present.

The following bills were before the committee for consideration:

HB 95...Rep. Tierney, chief sponsor, gave a summary on this bill and also proposed an amendment, which is attached. Other proponents were Joseph L. LaMere and Delores Daniels, both of whom represented the Indian Education Center in Great Falls, Montana.

HB 99...Rep. Colbertg, chief sponsor, presented this bill to the committee. Other proponents to this bill were the following: Mr. Robert E. Hall; Mr. Paul Richards, representing the Montana Public Interest Research Group; Mr. William G. Dewolf, from the Union Market; Jean Warren, representing the Sierra Club; Rep. Marbut; and many others who were unable to testify.

Opponents to this bill were the following: Mr. Mark Richlen, Mr. Doug Stewart, Mr. Larry Chenoweth, all of whom represented the Missoula & Billings Recycling Centers; Senator Jack Devine; Rep. Haines, who submitted a paper with signatures of other opponents, which is attached; Mr. Frank Copps, of Montana State Food Dist. of Super Save Mkts, Inc.; Mr. Morris Goan of Wyoming-Montana Beverages, Inc.; Mr. Phil Cassel, of Montana Soft Drink Association; Mr. John H. Risken, of U.S. Brewers Association; and Mr. Alfred F. Dougherty, representing the Montana Beer Wholesalers' Association. Prepared statements are attached.

The following actions were taken on bills before the committee:

HB 54...Rep. Harper moved to amend HB 54 (those amendments submitted by the subcommittee are attached). The motion was seconded and passed with Rep. Selstad voting NO. Rep. Harper moved to amend HB 54 (amendments attached). The motion was seconded and passed with Rep. Driscoll voting NO. Rep. Harper moved that HB 54 as amended DO PASS. The motion was seconded and passed with Rep. Lockrem, Rolfe, and Selstad voting NO.

HB 99...Rep. Lockrem moved that HB 99 DO PASS. The motion was seconded and passed unanimously.

HB 95...Rep. Lien moved to amend HB 95 on page 1, section 1, line 21, after the word "articles" by inserting the words "for display purposes". The motion was seconded and passed with Rep. Rolfe voting NO. Rep. Lien moved HB 95 as amended DO PASS. The motion was seconded and passed with Rep. Rolfe voting NO.

NAME Harley Evenson BILL No. 95-
ADDRESS 1517 42nd Ave. - north St. Falls DATE _____

WHOM DO YOU REPRESENT? FALCON. INC.

SUPPORT? X OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

we have 2 people to testify on H.B. 95-

*Joe La meade
Delorse Daniels*

January 31, 1973

A meeting of the Business and Industry was called to order by the Chairman on January 31, 1973, at 11 o'clock A.M. All members of the committee were present.

Senate Bill No. 379 was discussed and five witnesses appeared in favor of Senate Bill No. 379, while one witnesses appeared to Amend the bill. This bill will be taken up at a later date.

A motion was made by Senator Groff and seconded by Senator Rosell that House Bill No. 95 be concurrred in. Motion carried.

A motion was made that Senate Bill No. 95 Do Pass. Motion carried.

Senate Bill No. 351 was brought up before the Committee and Gary Delano from the Weights and Measures Department appeared before the Committee with amendments to the bill. Bill will be taken up at a later date.

There being no further business the committee members, adjourned. Motion was made and seconded to adjourn.

Section 4. Payment for services rendered in a Montana state institution shall be to the same extent and at the same rates, according to the provisions of such disability policy, which would be paid for such services if rendered outside a Montana state institution.

Section 5. This act is effective on its passage and approval.

Approved: February 14, 1973.

CHAPTER NO. 51

An Act to Amend Section 89-1804, R.C.M. 1947, to Remove the Maximum Limit on Levies Made for Irrigation District Administration, Maintenance and Repairs.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 89-1804, R.C.M. 1947, is amended to read as follows:

"89-1804. **Annual tax levy—apportionment when tracts divided.** (1) On or before the second Monday in July each year the board of commissioners of each irrigation district organized hereunder shall ascertain the total amount required to be raised in that year for the general administrative expenses of the district, including the cost of maintenance and repairs, and the total amount to be raised that year for interest on and principal of the outstanding bonded or other indebtedness of the district, including any indebtedness incurred under any contract between the district and the United States accompanying which bonds of the district have not been deposited with the United States as in section 89-1301 provided, and shall levy against each forty-acre tract or fractional lot as designated by the United States public survey, or platted lot, if land is subdivided in lots and blocks (or where land shall be owned in less than forty-acre tracts or in less than the platted lot, then against each such tract) of land in the district, that portion of the said respective total amounts so to be raised which the total irrigable area of any such tract bears to the total irrigable area of the lands in the district, so that each acre of irrigable land in the district shall be assessed and required to pay the same amount as every other acre of irrigable land therein, unless otherwise specifically provided; providing however, that the board of commissioners may make a minimum charge of five dollars (\$5.00) against each separately owned tract of land, regardless of its size.

(2) In the event that the ownership of any such forty-acre tract, or other subdivision of land in the district, shall be divided after a special tax or assessment against the same has been levied,

each or either of the owners of such tract or subdivisions shall be entitled to have such special tax or assessment equitably apportioned to and against said divisions of such tract or subdivisions, so that each owner shall be enabled to pay such special tax or assessment against his portion of such tract or subdivision, and have the same discharged from the lien thereof; providing however, that in no event shall the charge against any separately owned tract of land be less than five dollars (\$5.00).

(3) Whenever the board of commissioners has provided for the payment of any indebtedness of the district by levy of a special tax or assessment, and thereafter makes provision for the payment of said indebtedness by the issuance of bonds, said board may cancel any portion or all of said levy theretofore made to raise funds to pay said indebtedness; and whenever said board has provided for the payment of any indebtedness of the district by the authorization of bonds and the levy of a special tax or assessment to pay the principal of and interest on said bonds, the [and] thereafter cancels said issue of bonds as provided for in section 89-1707 said board may cancel any portion or all of said levy theretofore made to raise funds to pay the principal of or interest on said bonds so canceled, and refund to the respective persons paying the same the funds, if any, in the custody of the county treasurer collected for the purpose of meeting the principal of and interest on such bonds so canceled.

(4) Any land or lands which may for any reason have escaped assessment in any previous year or years may be assessed or listed for the omitted years and omitted charges, in any subsequent year at the time of the making of the assessment in and for such subsequent year, but no such assessment shall be made later than three years after the occurrence of such omission."

Approved: February 14, 1973.

CHAPTER NO. 52

An Act Amending Section 85-302, R.C.M. 1947, Providing for the Physical Segregation of Imitation Indian Articles from Authentic Indian Articles.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 85-302, R.C.M. 1947, is amended to read as follows:

"85-302. **Imitation Indian articles to be clearly designated.** No person shall distribute, sell, or offer for sale in this state any imitation

American Indian arts or crafts articles unless the articles are at all times clearly and legibly designated as imitation. *All imitation articles shall be physically segregated from authentic Indian articles for display purposes.*"

Approved: February 14, 1973.

CHAPTER NO. 53

An Act Repealing Section 3-2920, R.C.M. 1947, Which Provided for the "Montana Wheat Research and Marketing Act" to Be in Effect for Seven (7) Years from August 20, 1967.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 3-2920, R.C.M. 1947, is repealed.

Approved: February 14, 1973.

CHAPTER NO. 54

An Act Providing that No Special Risk Classification may be Established Based on Anything in a Driving Record Which is Three (3) Years Old or Older: Amending Section 40-3640, R.C.M., 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 40-3640, R.C.M. 1947, is amended to read as follows:

"40-3640. **Standards applicable to rates.** The following standards shall apply to the making and use of rates pertaining to all classes of insurance to which the provisions of this chapter are applicable:

(a) Rates shall not be excessive or inadequate, as herein defined, nor shall they be unfairly discriminatory.

No rate shall be held to be excessive unless (1) such rate is unreasonably high for the insurance provided, and (2) a reasonable degree of competition does not exist in the area with respect to the classification to which such rate is applicable.

No rate shall be held to be inadequate unless (1) such rate is unreasonably low for the insurance provided, and (2) the continued use of such rate endangers the solvency of the insurer using the same, or unless (3) such rate is unreasonably low for the insurance provided

and the use of such rate by the insurer using same has, or if continued will have, the effect of destroying competition or creating a monopoly.

(b) Consideration shall be given, to the extent applicable, to past and prospective loss experience within and outside this state, to conflagration and catastrophe hazards, if any, to a reasonable margin for underwriting profit and contingencies, to past and prospective expenses, both country-wide and those specially applicable to this state, and to all other factors, including judgment factors, deemed relevant within and outside this state; and in the case of fire insurance rates, consideration may be given to the experience of the fire insurance business during the most recent five-year period for which such experience is available.

Consideration may also be given in the making and use of rates to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.

(c) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof.

(d) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both.

Such standards may measure any difference among risks that have a probable effect upon losses or expenses. Classifications or modifications of classifications of risks may be established based upon size, expense, management, individual experience, location or dispersion of hazard, or any other reasonable considerations, *except that no special risk classification may be established based on anything adverse to the insured in a driving record which is three (3) years old or older.* Such classifications and modification shall apply to all risks under the same or substantially the same circumstances or conditions."

Approved: February 25, 1973.

CHAPTER NO. 55

An Act Amending Section 54-132, R.C.M. 1947, by Removing the Presumption to a Deferred Imposition of Sentence for the First